

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:11-CR-86
)	
JOHN OLIVER THREADGILL,)	(PHILLIPS/GUYTON)
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on August 18, 2011, for a hearing on the Defendant's Motion to Extend Motion Cut-Off Deadline [Doc. 10], filed on August 10, 2011. Assistant United States Attorney Frank M. Dale, Jr., appeared on behalf of the Government. Attorney Dana Hansen Chavis represented the Defendant. The Defendant was not present.

In his motion, Defendant Threadgill asks the Court to extend the August 12, 2011 motion cut-off deadline because counsel needs additional time to review voluminous discovery and to determine which, if any, pretrial motions will be filed and prepare those motions. In his motion, the Defendant proposes that the motion cut-off deadline be extended to October 11, 2011, pushing it beyond the trial date of September 21, 2011. The motion states that counsel has discussed the speedy trial implications of this extension with the Defendant. At the hearing, the Government had no objection to the requested extension. The parties agreed to a new trial date of February 7, 2012.

The Court finds the motion for a continuance to be well-taken and that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Defendant initially appeared for arraignment in this case on July 15, 2011. Although the Government has provided discovery for review and inspection, the Defendant contends that counsel has thus far only had the opportunity to conduct a cursory review. The Government currently continues to scan the voluminous requested documents onto CDs to provide to the Defendant for more in depth review. Counsel informs the Court that she requires additional time to review the discovery documents after obtaining the CDs from the Government to consult with the Defendant regarding the filing of pretrial motions. In light of the amount of preparation remaining, the Court finds that the Defendant could not be ready for trial by September 21, 2011, or in less than five months. Thus, the Court finds that the failure to grant a continuance would deprive counsel for the Defendant of the reasonable time necessary to prepare for trial despite her use of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the Defendant's Motion to Extend Motion Cut-Off Deadline [**Doc. 10**] is **GRANTED**. The trial of this matter is reset to **February 7, 2012**. A new motion cut-off deadline is set for **October 28, 2011**, with responses due by **November 14, 2011**. The Court also finds that all the time between the filing of his Motion to Extend Motion Cut-Off Deadline on **August 10, 2011**, and the new trial date of **February 7, 2012**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. See 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). A final pretrial conference before the undersigned is set for **January 24, 2012, at 11:00 a.m.** This date shall also be the plea negotiation cut-off deadline. Finally, the Court instructs the parties that all motions *in limine* must be filed no later than **January 23, 2012**. Special request for jury instructions shall be

submitted to the District Court no later than **January 27, 2012**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED**:

(1) Defendant's Motion to Extend Motion Cut-Off Deadline [**Doc. 10**] is **GRANTED**;

(2) The trial of this matter is reset to commence on **February 7, 2012, at 9:00 a.m.**, before the Honorable Thomas W. Phillips, United States District Judge;

(3) All time between the filing of the Motion to Extend Motion Cut-Off Deadline on **August 10, 2011**, and the new trial date of **February 7, 2012**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

(4) A final pretrial conference before the undersigned is set for **January 24, 2012, at 11:00 a.m.**;

(5) The plea cutoff deadline in this case is also **January 24, 2012**;

(6) Pretrial motions shall be filed by **October 28, 2011**, with responses due by **November 14, 2011**;

(7) Motions *in limine* must be filed no later than **January 23, 2012**; and

(8) Special requests for jury instructions with the appropriate citations to authority shall be submitted to the District Court no later than **January 27, 2012**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge